

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SYNTRIX BIOSYSTEMS, INC.,

Plaintiff,

vs.

ILLUMINA, INC.,

Defendant.

) No. 3:10-cv-05870-BHS

) STIPULATED MOTION FOR APPROVAL  
) OF SECURITY TO OBTAIN STAY OF  
) JUDGMENT

) NOTED: November 18, 2013

STIPULATION

Pursuant to Rule 62 of the Federal Rules of Civil Procedure, Defendant Illumina, Inc, seeks this Court's approval of the supersedeas bond attached hereto as **Exhibit A**, in the amount of \$115,900,000 in order to stay Plaintiff's enforcement of the monetary amounts awarded to Plaintiff in this Court's Amended Judgment in a Civil Action Order dated July 1, 2013 (Doc. No. 359), which amended the original Judgment entered on June 19, 2013 (Doc. No. 356), pending resolution of appeals by Illumina in this case. This bond is more than sufficient to secure the judgment of \$115,106,105, as well any taxable costs that may be hereafter awarded by this Court, and post-judgment interest that will accrue pending the appeal.

Plaintiffs Syntrix Biosystems, Inc. stipulates to Illumina's request, the form and amount of bond, and this Motion.

STIPULATED MOTION FOR  
APPROVAL OF SECURITY TO OBTAIN  
STAY OF JUDGMENT -- 1

No. 3:10-cv-05870-BHS

m42880-2065039.docx

**GRAHAM & DUNN** PC  
Pier 70, 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599

1 Accordingly, Illumina asks the Court to approve Illumina's proposed supersedeas bond in  
2 the total amount of \$115,900,000, attached hereto as **Exhibit A**, as security in order to obtain a  
3 stay of Plaintiff's enforcement of the Judgment.

4 STIPULATED to this 18<sup>th</sup> day of November, 2013.

6 BRACEWELL & GUILIANI LLP

GRAHAM & DUNN PC

7 s/Alan D. Albright

s/Diane M. Meyers

8 Alan D. Albright, WSBA #44326

Diane M. Meyers, WSBA #40729

111 Congress Avenue, Suite 2300

2801 Alaskan Way, Suite 300

Austin, TX 78701

Seattle, WA 98121

alan.albright@bgllp.com

dmeyers@grahamdunn.com

11 \*\*\*

12 **ORDER**

13 Pursuant to STIPULATION, it is so ORDERED.

14 DATED this 18 day of November, 2013.

16   
17 The Honorable Benjamin H. Settle

26 STIPULATED MOTION FOR  
APPROVAL OF SECURITY TO OBTAIN  
STAY OF JUDGMENT -- 2

No. 3:10-cv-05870-BHS

m42880-2065039.docx

**GRAHAM & DUNN PC**

Pier 70, 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599

***Exhibit A***

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SYNTRIX BIOSYSTEMS, INC.,	)	No. 3:10-cv-05870-BHS
	)	
Plaintiff,	)	SUPERSEDEAS BOND
	)	
vs.	)	Bond Number: _____
	)	
ILLUMINA, INC.,	)	
	)	
Defendant.	)	

We, the defendant, as Principal, and Continental Casualty Company, as Surety, are held and firmly bound to the plaintiff in the maximum penal sum of \$115,900,000.00, to be paid to plaintiff (its successors or assign), for which payment well and truly to be made we bind ourselves, our successors, executors, administrators, or assigns, jointly and severally, by this instrument.

Whereas, on July 1, 2013, in the action pending in the above court, between the plaintiff and defendant, an amended judgment was rendered against defendant, and the defendant/appellant intends to file a Notice of Appeal from such judgment to the United States Court of Appeals for the Federal Circuit and to apply for an order of the District Court staying enforcement of such judgment during the pendency of the appeal.

SUPERSEDEAS BOND -- 1

No. 3:10-cv-05870-BHS

m42880-2067470.docx

**GRAHAM & DUNN PC**  
Pier 70, 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599

1 Now, therefore, the condition of this obligation is that if the defendant shall prosecute  
2 their appeal to effect and shall satisfy the judgment in full, together with costs, interest, and  
3 damages for delay if the appeal is finally dismissed or the judgment is affirmed or shall satisfy in  
4 full such judgment as modified together with such costs, interests, and damages as the Court of  
5 Appeals may adjudge and award, this obligation shall be void; otherwise it shall remain in full  
6 service and effect.

7 Pursuant to Rule 8(b) of the Federal Rules of Appellate Procedure, CNA Surety, as the  
8 sureties, hereby submit themselves to the jurisdiction of the District Court.

9 DATED this \_\_\_\_ day of November, 2013.

10  
11 Appellant/Principal

Surety

Continental Casualty Company

Address of Surety

12  
13  
14  
15 APPROVED:

16 United States District Judge

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
SUPERSEDEAS BOND -- 2

No. 3:10-cv-05870-BHS

m42880-2067470.docx

**GRAHAM & DUNN** PC  
Pier 70, 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599